

AMENDED IN SENATE AUGUST 27, 2007

AMENDED IN SENATE JULY 3, 2007

AMENDED IN ASSEMBLY MAY 15, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1178**

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**Introduced by Assembly Member Hernandez**

February 23, 2007

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An act to amend Section 56.10 of the Civil Code, relating to medical information.

LEGISLATIVE COUNSEL’S DIGEST

AB 1178, as amended, Hernandez. Medical information: disclosures.  
~~The~~

(1) *The Confidentiality of Medical Information Act prohibits a provider of health care, health care service plan, or contractor, as defined, from disclosing medical information regarding a patient, enrollee, or subscriber, except as authorized by that patient, enrollee, or subscriber, or as otherwise required or authorized by law. Under the Confidentiality of Medical Information Act, any violation of the provisions of the act that results in economic loss or personal injury to a patient is punishable as a misdemeanor.*

This bill would further except from that prohibition the disclosure of medical information, consistent with applicable law and standards of ethical conduct, by a psychotherapist, as defined, if the psychotherapist, in good faith, believes the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a reasonably foreseeable victim or victims, and the disclosure is made to a person or persons reasonably able to prevent or lessen the threat, including the

target of the threat. *By changing the definition of a crime, the bill would impose a state-mandated local program.*

*(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*(3) This bill would also incorporate additional changes to Section 56.10 of the Civil Code proposed by AB 1687 and AB 1727, to be operative only if any or all of those bills are enacted and this bill is chaptered last.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 56.10 of the Civil Code is amended to  
2     read:  
3     56.10. (a) No provider of health care, health care service plan,  
4     or contractor shall disclose medical information regarding a patient  
5     of the provider of health care or an enrollee or subscriber of a  
6     health care service plan without first obtaining an authorization,  
7     except as provided in subdivision (b) or (c).  
8     (b) A provider of health care, a health care service plan, or a  
9     contractor shall disclose medical information if the disclosure is  
10    compelled by any of the following:  
11    (1) By a court pursuant to an order of that court.  
12    (2) By a board, commission, or administrative agency for  
13    purposes of adjudication pursuant to its lawful authority.  
14    (3) By a party to a proceeding before a court or administrative  
15    agency pursuant to a subpoena, subpoena duces tecum, notice to  
16    appear served pursuant to Section 1987 of the Code of Civil  
17    Procedure, or any provision authorizing discovery in a proceeding  
18    before a court or administrative agency.  
19    (4) By a board, commission, or administrative agency pursuant  
20    to an investigative subpoena issued under Article 2 (commencing  
21    with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title  
22    2 of the Government Code.

1 (5) By an arbitrator or arbitration panel, when arbitration is  
2 lawfully requested by either party, pursuant to a subpoena duces  
3 tecum issued under Section 1282.6 of the Code of Civil Procedure,  
4 or any other provision authorizing discovery in a proceeding before  
5 an arbitrator or arbitration panel.

6 (6) By a search warrant lawfully issued to a governmental law  
7 enforcement agency.

8 (7) By the patient or the patient's representative pursuant to  
9 Chapter 1 (commencing with Section 123100) of Part 1 of Division  
10 106 of the Health and Safety Code.

11 (8) By a coroner, when requested in the course of an  
12 investigation by the coroner's office for the purpose of identifying  
13 the decedent or locating next of kin, or when investigating deaths  
14 that may involve public health concerns, organ or tissue donation,  
15 child abuse, elder abuse, suicides, poisonings, accidents, sudden  
16 infant deaths, suspicious deaths, unknown deaths, or criminal  
17 deaths, or when otherwise authorized by the decedent's  
18 representative. Medical information requested by the coroner under  
19 this paragraph shall be limited to information regarding the patient  
20 who is the decedent and who is the subject of the investigation and  
21 shall be disclosed to the coroner without delay upon request.

22 (9) When otherwise specifically required by law.

23 (c) A provider of health care or a health care service plan may  
24 disclose medical information as follows:

25 (1) The information may be disclosed to providers of health  
26 care, health care service plans, contractors, or other health care  
27 professionals or facilities for purposes of diagnosis or treatment  
28 of the patient. This includes, in an emergency situation, the  
29 communication of patient information by radio transmission or  
30 other means between emergency medical personnel at the scene  
31 of an emergency, or in an emergency medical transport vehicle,  
32 and emergency medical personnel at a health facility licensed  
33 pursuant to Chapter 2 (commencing with Section 1250) of Division  
34 2 of the Health and Safety Code.

35 (2) The information may be disclosed to an insurer, employer,  
36 health care service plan, hospital service plan, employee benefit  
37 plan, governmental authority, contractor, or any other person or  
38 entity responsible for paying for health care services rendered to  
39 the patient, to the extent necessary to allow responsibility for  
40 payment to be determined and payment to be made. If (A) the

1 patient is, by reason of a comatose or other disabling medical  
2 condition, unable to consent to the disclosure of medical  
3 information and (B) no other arrangements have been made to pay  
4 for the health care services being rendered to the patient, the  
5 information may be disclosed to a governmental authority to the  
6 extent necessary to determine the patient's eligibility for, and to  
7 obtain, payment under a governmental program for health care  
8 services provided to the patient. The information may also be  
9 disclosed to another provider of health care or health care service  
10 plan as necessary to assist the other provider or health care service  
11 plan in obtaining payment for health care services rendered by that  
12 provider of health care or health care service plan to the patient.

13 (3) The information may be disclosed to any person or entity  
14 that provides billing, claims management, medical data processing,  
15 or other administrative services for providers of health care or  
16 health care service plans or for any of the persons or entities  
17 specified in paragraph (2). However, no information so disclosed  
18 shall be further disclosed by the recipient in any way that would  
19 be violative of this part.

20 (4) The information may be disclosed to organized committees  
21 and agents of professional societies or of medical staffs of licensed  
22 hospitals, licensed health care service plans, professional standards  
23 review organizations, independent medical review organizations  
24 and their selected reviewers, utilization and quality control peer  
25 review organizations as established by Congress in Public Law  
26 97-248 in 1982, contractors, or persons or organizations insuring,  
27 responsible for, or defending professional liability that a provider  
28 may incur, if the committees, agents, health care service plans,  
29 organizations, reviewers, contractors, or persons are engaged in  
30 reviewing the competence or qualifications of health care  
31 professionals or in reviewing health care services with respect to  
32 medical necessity, level of care, quality of care, or justification of  
33 charges.

34 (5) The information in the possession of any provider of health  
35 care or health care service plan may be reviewed by any private  
36 or public body responsible for licensing or accrediting the provider  
37 of health care or health care service plan. However, no  
38 patient-identifying medical information may be removed from the  
39 premises except as expressly permitted or required elsewhere by

1 law, nor shall that information be further disclosed by the recipient  
2 in any way that would violate this part.

3 (6) The information may be disclosed to the county coroner in  
4 the course of an investigation by the coroner's office when  
5 requested for all purposes not included in paragraph (8) of  
6 subdivision (b).

7 (7) The information may be disclosed to public agencies, clinical  
8 investigators, including investigators conducting epidemiologic  
9 studies, health care research organizations, and accredited public  
10 or private nonprofit educational or health care institutions for bona  
11 fide research purposes. However, no information so disclosed shall  
12 be further disclosed by the recipient in any way that would disclose  
13 the identity of any patient or be violative of this part.

14 (8) A provider of health care or health care service plan that has  
15 created medical information as a result of employment-related  
16 health care services to an employee conducted at the specific prior  
17 written request and expense of the employer may disclose to the  
18 employee's employer that part of the information that:

19 (A) Is relevant in a lawsuit, arbitration, grievance, or other claim  
20 or challenge to which the employer and the employee are parties  
21 and in which the patient has placed in issue his or her medical  
22 history, mental or physical condition, or treatment, provided that  
23 information may only be used or disclosed in connection with that  
24 proceeding.

25 (B) Describes functional limitations of the patient that may  
26 entitle the patient to leave from work for medical reasons or limit  
27 the patient's fitness to perform his or her present employment,  
28 provided that no statement of medical cause is included in the  
29 information disclosed.

30 (9) Unless the provider of health care or health care service plan  
31 is notified in writing of an agreement by the sponsor, insurer, or  
32 administrator to the contrary, the information may be disclosed to  
33 a sponsor, insurer, or administrator of a group or individual insured  
34 or uninsured plan or policy that the patient seeks coverage by or  
35 benefits from, if the information was created by the provider of  
36 health care or health care service plan as the result of services  
37 conducted at the specific prior written request and expense of the  
38 sponsor, insurer, or administrator for the purpose of evaluating the  
39 application for coverage or benefits.

1 (10) The information may be disclosed to a health care service  
2 plan by providers of health care that contract with the health care  
3 service plan and may be transferred among providers of health  
4 care that contract with the health care service plan, for the purpose  
5 of administering the health care service plan. Medical information  
6 may not otherwise be disclosed by a health care service plan except  
7 in accordance with the provisions of this part.

8 (11) Nothing in this part shall prevent the disclosure by a  
9 provider of health care or a health care service plan to an insurance  
10 institution, agent, or support organization, subject to Article 6.6  
11 (commencing with Section 791) of Part 2 of Division 1 of the  
12 Insurance Code, of medical information if the insurance institution,  
13 agent, or support organization has complied with all requirements  
14 for obtaining the information pursuant to Article 6.6 (commencing  
15 with Section 791) of Part 2 of Division 1 of the Insurance Code.

16 (12) The information relevant to the patient's condition and care  
17 and treatment provided may be disclosed to a probate court  
18 investigator engaged in determining the need for an initial  
19 conservatorship or continuation of an existent conservatorship, if  
20 the patient is unable to give informed consent, or to a probate court  
21 investigator, probation officer, or domestic relations investigator  
22 engaged in determining the need for an initial guardianship or  
23 continuation of an existent guardianship.

24 (13) The information may be disclosed to an organ procurement  
25 organization or a tissue bank processing the tissue of a decedent  
26 for transplantation into the body of another person, but only with  
27 respect to the donating decedent, for the purpose of aiding the  
28 transplant. For the purpose of this paragraph, the terms "tissue  
29 bank" and "tissue" have the same meaning as defined in Section  
30 1635 of the Health and Safety Code.

31 (14) The information may be disclosed when the disclosure is  
32 otherwise specifically authorized by law, such as the voluntary  
33 reporting, either directly or indirectly, to the federal Food and Drug  
34 Administration of adverse events related to drug products or  
35 medical device problems.

36 (15) Basic information, including the patient's name, city of  
37 residence, age, sex, and general condition, may be disclosed to a  
38 state or federally recognized disaster relief organization for the  
39 purpose of responding to disaster welfare inquiries.

1 (16) The information may be disclosed to a third party for  
2 purposes of encoding, encrypting, or otherwise anonymizing data.  
3 However, no information so disclosed shall be further disclosed  
4 by the recipient in any way that would be violative of this part,  
5 including the unauthorized manipulation of coded or encrypted  
6 medical information that reveals individually identifiable medical  
7 information.

8 (17) For purposes of disease management programs and services  
9 as defined in Section 1399.901 of the Health and Safety Code,  
10 information may be disclosed as follows: (A) to any entity  
11 contracting with a health care service plan or the health care service  
12 plan's contractors to monitor or administer care of enrollees for a  
13 covered benefit, provided that the disease management services  
14 and care are authorized by a treating physician, or (B) to any  
15 disease management organization, as defined in Section 1399.900  
16 of the Health and Safety Code, that complies fully with the  
17 physician authorization requirements of Section 1399.902 of the  
18 Health and Safety Code, provided that the health care service plan  
19 or its contractor provides or has provided a description of the  
20 disease management services to a treating physician or to the health  
21 care service plan's or contractor's network of physicians. Nothing  
22 in this paragraph shall be construed to require physician  
23 authorization for the care or treatment of the adherents of any  
24 well-recognized church or religious denomination who depend  
25 solely upon prayer or spiritual means for healing in the practice  
26 of the religion of that church or denomination.

27 (18) The information may be disclosed, as permitted by state  
28 and federal law or regulation, to a local health department for the  
29 purpose of preventing or controlling disease, injury, or disability,  
30 including, but not limited to, the reporting of disease, injury, vital  
31 events such as birth or death, and the conduct of public health  
32 surveillance, public health investigations, and public health  
33 interventions, as authorized or required by state or federal law or  
34 regulation.

35 (19) The information may be disclosed, consistent with  
36 applicable law and standards of ethical conduct, by a  
37 psychotherapist, as defined in Section 1010 of the Evidence Code,  
38 if the psychotherapist, in good faith, believes the disclosure is  
39 necessary to prevent or lessen a serious and imminent threat to the  
40 health or safety of a reasonably foreseeable victim or victims, and

1 the disclosure is made to a person or persons reasonably able to  
2 prevent or lessen the threat, including the target of the threat.

3 (d) Except to the extent expressly authorized by the patient or  
4 enrollee or subscriber or as provided by subdivisions (b) and (c),  
5 no provider of health care, health care service plan, contractor, or  
6 corporation and its subsidiaries and affiliates shall intentionally  
7 share, sell, use for marketing, or otherwise use any medical  
8 information for any purpose not necessary to provide health care  
9 services to the patient.

10 (e) Except to the extent expressly authorized by the patient or  
11 enrollee or subscriber or as provided by subdivisions (b) and (c),  
12 no contractor or corporation and its subsidiaries and affiliates shall  
13 further disclose medical information regarding a patient of the  
14 provider of health care or an enrollee or subscriber of a health care  
15 service plan or insurer or self-insured employer received under  
16 this section to any person or entity that is not engaged in providing  
17 direct health care services to the patient or his or her provider of  
18 health care or health care service plan or insurer or self-insured  
19 employer.

20 *SEC. 1.5. Section 56.10 of the Civil Code is amended to read:*

21 56.10. (a) No provider of health care, health care service plan,  
22 or contractor shall disclose medical information regarding a patient  
23 of the provider of health care or an enrollee or subscriber of a  
24 health care service plan without first obtaining an authorization,  
25 except as provided in subdivision (b) or (c).

26 (b) A provider of health care, a health care service plan, or a  
27 contractor shall disclose medical information if the disclosure is  
28 compelled by any of the following:

29 (1) By a court pursuant to an order of that court.

30 (2) By a board, commission, or administrative agency for  
31 purposes of adjudication pursuant to its lawful authority.

32 (3) By a party to a proceeding before a court or administrative  
33 agency pursuant to a subpoena, subpoena duces tecum, notice to  
34 appear served pursuant to Section 1987 of the Code of Civil  
35 Procedure, or any provision authorizing discovery in a proceeding  
36 before a court or administrative agency.

37 (4) By a board, commission, or administrative agency pursuant  
38 to an investigative subpoena issued under Article 2 (commencing  
39 with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title  
40 2 of the Government Code.



1 (5) By an arbitrator or arbitration panel, when arbitration is  
2 lawfully requested by either party, pursuant to a subpoena duces  
3 tecum issued under Section 1282.6 of the Code of Civil Procedure,  
4 or any other provision authorizing discovery in a proceeding before  
5 an arbitrator or arbitration panel.

6 (6) By a search warrant lawfully issued to a governmental law  
7 enforcement agency.

8 (7) By the patient or the patient's representative pursuant to  
9 Chapter 1 (commencing with Section 123100) of Part 1 of Division  
10 106 of the Health and Safety Code.

11 (8) By a coroner, when requested in the course of an  
12 investigation by the coroner's office for the purpose of identifying  
13 the decedent or locating next of kin, or when investigating deaths  
14 that may involve public health concerns, organ or tissue donation,  
15 child abuse, elder abuse, suicides, poisonings, accidents, sudden  
16 infant deaths, suspicious deaths, unknown deaths, or criminal  
17 deaths, or when otherwise authorized by the decedent's  
18 representative. Medical information requested by the coroner under  
19 this paragraph shall be limited to information regarding the patient  
20 who is the decedent and who is the subject of the investigation and  
21 shall be disclosed to the coroner without delay upon request.

22 (9) When otherwise specifically required by law.

23 (c) A provider of health care or a health care service plan may  
24 disclose medical information as follows:

25 (1) The information may be disclosed to providers of health  
26 care, health care service plans, contractors, or other health care  
27 professionals or facilities for purposes of diagnosis or treatment  
28 of the patient. This includes, in an emergency situation, the  
29 communication of patient information by radio transmission or  
30 other means between emergency medical personnel at the scene  
31 of an emergency, or in an emergency medical transport vehicle,  
32 and emergency medical personnel at a health facility licensed  
33 pursuant to Chapter 2 (commencing with Section 1250) of Division  
34 2 of the Health and Safety Code.

35 (2) The information may be disclosed to an insurer, employer,  
36 health care service plan, hospital service plan, employee benefit  
37 plan, governmental authority, contractor, or any other person or  
38 entity responsible for paying for health care services rendered to  
39 the patient, to the extent necessary to allow responsibility for  
40 payment to be determined and payment to be made. If (A) the

1 patient is, by reason of a comatose or other disabling medical  
2 condition, unable to consent to the disclosure of medical  
3 information and (B) no other arrangements have been made to pay  
4 for the health care services being rendered to the patient, the  
5 information may be disclosed to a governmental authority to the  
6 extent necessary to determine the patient's eligibility for, and to  
7 obtain, payment under a governmental program for health care  
8 services provided to the patient. The information may also be  
9 disclosed to another provider of health care or health care service  
10 plan as necessary to assist the other provider or health care service  
11 plan in obtaining payment for health care services rendered by that  
12 provider of health care or health care service plan to the patient.

13 (3) The information may be disclosed to any person or entity  
14 that provides billing, claims management, medical data processing,  
15 or other administrative services for providers of health care or  
16 health care service plans or for any of the persons or entities  
17 specified in paragraph (2). However, no information so disclosed  
18 shall be further disclosed by the recipient in any way that would  
19 be violative of this part.

20 (4) The information may be disclosed to organized committees  
21 and agents of professional societies or of medical staffs of licensed  
22 hospitals, licensed health care service plans, professional standards  
23 review organizations, independent medical review organizations  
24 and their selected reviewers, utilization and quality control peer  
25 review organizations as established by Congress in Public Law  
26 97-248 in 1982, contractors, or persons or organizations insuring,  
27 responsible for, or defending professional liability that a provider  
28 may incur, if the committees, agents, health care service plans,  
29 organizations, reviewers, contractors, or persons are engaged in  
30 reviewing the competence or qualifications of health care  
31 professionals or in reviewing health care services with respect to  
32 medical necessity, level of care, quality of care, or justification of  
33 charges.

34 (5) The information in the possession of any provider of health  
35 care or health care service plan may be reviewed by any private  
36 or public body responsible for licensing or accrediting the provider  
37 of health care or health care service plan. However, no  
38 patient-identifying medical information may be removed from the  
39 premises except as expressly permitted or required elsewhere by

1 law, nor shall that information be further disclosed by the recipient  
2 in any way that would violate this part.

3 (6) The information may be disclosed to the county coroner in  
4 the course of an investigation by the coroner's office when  
5 requested for all purposes not included in paragraph (8) of  
6 subdivision (b).

7 (7) The information may be disclosed to public agencies, clinical  
8 investigators, including investigators conducting epidemiologic  
9 studies, health care research organizations, and accredited public  
10 or private nonprofit educational or health care institutions for bona  
11 fide research purposes. However, no information so disclosed shall  
12 be further disclosed by the recipient in any way that would disclose  
13 the identity of any patient or be violative of this part.

14 (8) A provider of health care or health care service plan that has  
15 created medical information as a result of employment-related  
16 health care services to an employee conducted at the specific prior  
17 written request and expense of the employer may disclose to the  
18 employee's employer that part of the information that:

19 (A) Is relevant in a lawsuit, arbitration, grievance, or other claim  
20 or challenge to which the employer and the employee are parties  
21 and in which the patient has placed in issue his or her medical  
22 history, mental or physical condition, or treatment, provided that  
23 information may only be used or disclosed in connection with that  
24 proceeding.

25 (B) Describes functional limitations of the patient that may  
26 entitle the patient to leave from work for medical reasons or limit  
27 the patient's fitness to perform his or her present employment,  
28 provided that no statement of medical cause is included in the  
29 information disclosed.

30 (9) Unless the provider of health care or health care service plan  
31 is notified in writing of an agreement by the sponsor, insurer, or  
32 administrator to the contrary, the information may be disclosed to  
33 a sponsor, insurer, or administrator of a group or individual insured  
34 or uninsured plan or policy that the patient seeks coverage by or  
35 benefits from, if the information was created by the provider of  
36 health care or health care service plan as the result of services  
37 conducted at the specific prior written request and expense of the  
38 sponsor, insurer, or administrator for the purpose of evaluating the  
39 application for coverage or benefits.

(10) The information may be disclosed to a health care service plan by providers of health care that contract with the health care service plan and may be transferred among providers of health care that contract with the health care service plan, for the purpose of administering the health care service plan. Medical information may not otherwise be disclosed by a health care service plan except in accordance with the provisions of this part.

(11) Nothing in this part shall prevent the disclosure by a provider of health care or a health care service plan to an insurance institution, agent, or support organization, subject to Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code, of medical information if the insurance institution, agent, or support organization has complied with all requirements for obtaining the information pursuant to Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code.

(12) The information relevant to the patient's condition and care and treatment provided may be disclosed to a probate court investigator ~~engaged in determining the need for an initial conservatorship or continuation of an existent conservatorship, if the patient is unable to give informed consent~~ *the course of any investigation required or authorized in a conservatorship proceeding under the Guardianship-Conservatorship Law as defined in Section 1400 of the Probate Code*, or to a probate court investigator, probation officer, or domestic relations investigator engaged in determining the need for an initial guardianship or continuation of an existent guardianship.

(13) The information may be disclosed to an organ procurement organization or a tissue bank processing the tissue of a decedent for transplantation into the body of another person, but only with respect to the donating decedent, for the purpose of aiding the transplant. For the purpose of this paragraph, the terms "tissue bank" and "tissue" have the same meaning as defined in Section 1635 of the Health and Safety Code.

(14) The information may be disclosed when the disclosure is otherwise specifically authorized by law, such as the voluntary reporting, either directly or indirectly, to the federal Food and Drug Administration of adverse events related to drug products or medical device problems.

(15) Basic information, including the patient's name, city of residence, age, sex, and general condition, may be disclosed to a

1 state or federally recognized disaster relief organization for the  
2 purpose of responding to disaster welfare inquiries.

3 (16) The information may be disclosed to a third party for  
4 purposes of encoding, encrypting, or otherwise anonymizing data.  
5 However, no information so disclosed shall be further disclosed  
6 by the recipient in any way that would be violative of this part,  
7 including the unauthorized manipulation of coded or encrypted  
8 medical information that reveals individually identifiable medical  
9 information.

10 (17) For purposes of disease management programs and services  
11 as defined in Section 1399.901 of the Health and Safety Code,  
12 information may be disclosed as follows: (A) to any entity  
13 contracting with a health care service plan or the health care service  
14 plan's contractors to monitor or administer care of enrollees for a  
15 covered benefit, provided that the disease management services  
16 and care are authorized by a treating physician, or (B) to any  
17 disease management organization, as defined in Section 1399.900  
18 of the Health and Safety Code, that complies fully with the  
19 physician authorization requirements of Section 1399.902 of the  
20 Health and Safety Code, provided that the health care service plan  
21 or its contractor provides or has provided a description of the  
22 disease management services to a treating physician or to the health  
23 care service plan's or contractor's network of physicians. Nothing  
24 in this paragraph shall be construed to require physician  
25 authorization for the care or treatment of the adherents of any  
26 well-recognized church or religious denomination who depend  
27 solely upon prayer or spiritual means for healing in the practice  
28 of the religion of that church or denomination.

29 (18) The information may be disclosed, as permitted by state  
30 and federal law or regulation, to a local health department for the  
31 purpose of preventing or controlling disease, injury, or disability,  
32 including, but not limited to, the reporting of disease, injury, vital  
33 events such as birth or death, and the conduct of public health  
34 surveillance, public health investigations, and public health  
35 interventions, as authorized or required by state or federal law or  
36 regulation.

37 *(19) The information may be disclosed, consistent with*  
38 *applicable law and standards of ethical conduct, by a*  
39 *psychotherapist, as defined in Section 1010 of the Evidence Code,*  
40 *if the psychotherapist, in good faith, believes the disclosure is*

1 *necessary to prevent or lessen a serious and imminent threat to*  
2 *the health or safety of a reasonably foreseeable victim or victims,*  
3 *and the disclosure is made to a person or persons reasonably able*  
4 *to prevent or lessen the threat, including the target of the threat.*

5 (d) Except to the extent expressly authorized by the patient or  
6 enrollee or subscriber or as provided by subdivisions (b) and (c),  
7 no provider of health care, health care service plan, contractor, or  
8 corporation and its subsidiaries and affiliates shall intentionally  
9 share, sell, use for marketing, or otherwise use any medical  
10 information for any purpose not necessary to provide health care  
11 services to the patient.

12 (e) Except to the extent expressly authorized by the patient or  
13 enrollee or subscriber or as provided by subdivisions (b) and (c),  
14 no contractor or corporation and its subsidiaries and affiliates shall  
15 further disclose medical information regarding a patient of the  
16 provider of health care or an enrollee or subscriber of a health care  
17 service plan or insurer or self-insured employer received under  
18 this section to any person or entity that is not engaged in providing  
19 direct health care services to the patient or his or her provider of  
20 health care or health care service plan or insurer or self-insured  
21 employer.

22 *SEC. 1.7. Section 56.10 of the Civil Code is amended to read:*

23 56.10. (a) No provider of health care, health care service plan,  
24 or contractor shall disclose medical information regarding a patient  
25 of the provider of health care or an enrollee or subscriber of a  
26 health care service plan without first obtaining an authorization,  
27 except as provided in subdivision (b) or (c).

28 (b) A provider of health care, a health care service plan, or a  
29 contractor shall disclose medical information if the disclosure is  
30 compelled by any of the following:

31 (1) By a court pursuant to an order of that court.

32 (2) By a board, commission, or administrative agency for  
33 purposes of adjudication pursuant to its lawful authority.

34 (3) By a party to a proceeding before a court or administrative  
35 agency pursuant to a subpoena, subpoena duces tecum, notice to  
36 appear served pursuant to Section 1987 of the Code of Civil  
37 Procedure, or any provision authorizing discovery in a proceeding  
38 before a court or administrative agency.

39 (4) By a board, commission, or administrative agency pursuant  
40 to an investigative subpoena issued under Article 2 (commencing

1 with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title  
2 2 of the Government Code.

3 (5) By an arbitrator or arbitration panel, when arbitration is  
4 lawfully requested by either party, pursuant to a subpoena duces  
5 tecum issued under Section 1282.6 of the Code of Civil Procedure,  
6 or any other provision authorizing discovery in a proceeding before  
7 an arbitrator or arbitration panel.

8 (6) By a search warrant lawfully issued to a governmental law  
9 enforcement agency.

10 (7) By the patient or the patient's representative pursuant to  
11 Chapter 1 (commencing with Section 123100) of Part 1 of Division  
12 106 of the Health and Safety Code.

13 (8) By a coroner, when requested in the course of an  
14 investigation by the coroner's office for the purpose of identifying  
15 the decedent or locating next of kin, or when investigating deaths  
16 that may involve public health concerns, organ or tissue donation,  
17 child abuse, elder abuse, suicides, poisonings, accidents, sudden  
18 infant deaths, suspicious deaths, unknown deaths, or criminal  
19 deaths, or when otherwise authorized by the decedent's  
20 representative. Medical information requested by the coroner under  
21 this paragraph shall be limited to information regarding the patient  
22 who is the decedent and who is the subject of the investigation and  
23 shall be disclosed to the coroner without delay upon request.

24 (9) When otherwise specifically required by law.

25 (c) A provider of health care or a health care service plan may  
26 disclose medical information as follows:

27 (1) The information may be disclosed to providers of health  
28 care, health care service plans, contractors, or other health care  
29 professionals or facilities for purposes of diagnosis or treatment  
30 of the patient. This includes, in an emergency situation, the  
31 communication of patient information by radio transmission or  
32 other means between emergency medical personnel at the scene  
33 of an emergency, or in an emergency medical transport vehicle,  
34 and emergency medical personnel at a health facility licensed  
35 pursuant to Chapter 2 (commencing with Section 1250) of Division  
36 2 of the Health and Safety Code.

37 (2) The information may be disclosed to an insurer, employer,  
38 health care service plan, hospital service plan, employee benefit  
39 plan, governmental authority, contractor, or any other person or  
40 entity responsible for paying for health care services rendered to

1 the patient, to the extent necessary to allow responsibility for  
2 payment to be determined and payment to be made. If (A) the  
3 patient is, by reason of a comatose or other disabling medical  
4 condition, unable to consent to the disclosure of medical  
5 information and (B) no other arrangements have been made to pay  
6 for the health care services being rendered to the patient, the  
7 information may be disclosed to a governmental authority to the  
8 extent necessary to determine the patient's eligibility for, and to  
9 obtain, payment under a governmental program for health care  
10 services provided to the patient. The information may also be  
11 disclosed to another provider of health care or health care service  
12 plan as necessary to assist the other provider or health care service  
13 plan in obtaining payment for health care services rendered by that  
14 provider of health care or health care service plan to the patient.

15 (3) The information may be disclosed to ~~any~~ a person or entity  
16 that provides billing, claims management, medical data processing,  
17 or other administrative services for providers of health care or  
18 health care service plans or for any of the persons or entities  
19 specified in paragraph (2). However, no information so disclosed  
20 shall be further disclosed by the recipient in any way that would  
21 ~~be violative of~~ *violate* this part.

22 (4) The information may be disclosed to organized committees  
23 and agents of professional societies or of medical staffs of licensed  
24 hospitals, licensed health care service plans, professional standards  
25 review organizations, independent medical review organizations  
26 and their selected reviewers, utilization and quality control peer  
27 review organizations as established by Congress in Public Law  
28 97-248 in 1982, contractors, or persons or organizations insuring,  
29 responsible for, or defending professional liability that a provider  
30 may incur, if the committees, agents, health care service plans,  
31 organizations, reviewers, contractors, or persons are engaged in  
32 reviewing the competence or qualifications of health care  
33 professionals or in reviewing health care services with respect to  
34 medical necessity, level of care, quality of care, or justification of  
35 charges.

36 (5) The information in the possession of ~~any~~ a provider of health  
37 care or health care service plan may be reviewed by ~~any~~ a private  
38 or public body responsible for licensing or accrediting the provider  
39 of health care or health care service plan. However, no  
40 patient-identifying medical information may be removed from the



1 premises except as expressly permitted or required elsewhere by  
2 law, nor shall that information be further disclosed by the recipient  
3 in any way that would violate this part.

4 (6) The information may be disclosed to the county coroner in  
5 the course of an investigation by the coroner's office when  
6 requested for all purposes not included in paragraph (8) of  
7 subdivision (b).

8 (7) The information may be disclosed to public agencies, clinical  
9 investigators, including investigators conducting epidemiologic  
10 studies, health care research organizations, and accredited public  
11 or private nonprofit educational or health care institutions for bona  
12 fide research purposes. However, no information so disclosed shall  
13 be further disclosed by the recipient in any way that would disclose  
14 the identity of ~~any a patient or be violative of~~ *violate* this part.

15 (8) A provider of health care or health care service plan that has  
16 created medical information as a result of employment-related  
17 health care services to an employee conducted at the specific prior  
18 written request and expense of the employer may disclose to the  
19 employee's employer that part of the information that:

20 (A) Is relevant in a lawsuit, arbitration, grievance, or other claim  
21 or challenge to which the employer and the employee are parties  
22 and in which the patient has placed in issue his or her medical  
23 history, mental or physical condition, or treatment, provided that  
24 information may only be used or disclosed in connection with that  
25 proceeding.

26 (B) Describes functional limitations of the patient that may  
27 entitle the patient to leave from work for medical reasons or limit  
28 the patient's fitness to perform his or her present employment,  
29 provided that no statement of medical cause is included in the  
30 information disclosed.

31 (9) Unless the provider of health care or health care service plan  
32 is notified in writing of an agreement by the sponsor, insurer, or  
33 administrator to the contrary, the information may be disclosed to  
34 a sponsor, insurer, or administrator of a group or individual insured  
35 or uninsured plan or policy that the patient seeks coverage by or  
36 benefits from, if the information was created by the provider of  
37 health care or health care service plan as the result of services  
38 conducted at the specific prior written request and expense of the  
39 sponsor, insurer, or administrator for the purpose of evaluating the  
40 application for coverage or benefits.

1 (10) The information may be disclosed to a health care service  
2 plan by providers of health care that contract with the health care  
3 service plan and may be transferred among providers of health  
4 care that contract with the health care service plan, for the purpose  
5 of administering the health care service plan. Medical information  
6 may not otherwise be disclosed by a health care service plan except  
7 in accordance with the provisions of this part.

8 (11) Nothing in this part shall prevent the disclosure by a  
9 provider of health care or a health care service plan to an insurance  
10 institution, agent, or support organization, subject to Article 6.6  
11 (commencing with Section 791) of Part 2 of Division 1 of the  
12 Insurance Code, of medical information if the insurance institution,  
13 agent, or support organization has complied with all requirements  
14 for obtaining the information pursuant to Article 6.6 (commencing  
15 with Section 791) of Part 2 of Division 1 of the Insurance Code.

16 (12) The information relevant to the patient's condition and care  
17 and treatment provided may be disclosed to a probate court  
18 investigator engaged in determining the need for an initial  
19 conservatorship or continuation of an existent conservatorship, if  
20 the patient is unable to give informed consent, or to a probate court  
21 investigator, probation officer, or domestic relations investigator  
22 engaged in determining the need for an initial guardianship or  
23 continuation of an existent guardianship.

24 (13) The information may be disclosed to an organ procurement  
25 organization or a tissue bank processing the tissue of a decedent  
26 for transplantation into the body of another person, but only with  
27 respect to the donating decedent, for the purpose of aiding the  
28 transplant. For the purpose of this paragraph, the terms "tissue  
29 bank" and "tissue" have the same meaning as defined in Section  
30 1635 of the Health and Safety Code.

31 (14) The information may be disclosed when the disclosure is  
32 otherwise specifically authorized by law, ~~such as~~ *including, but*  
33 *not limited to*, the voluntary reporting, either directly or indirectly,  
34 to the federal Food and Drug Administration of adverse events  
35 related to drug products or medical device problems.

36 (15) Basic information, including the patient's name, city of  
37 residence, age, sex, and general condition, may be disclosed to a  
38 state or federally recognized disaster relief organization for the  
39 purpose of responding to disaster welfare inquiries.

1 (16) The information may be disclosed to a third party for  
2 purposes of encoding, encrypting, or otherwise anonymizing data.  
3 However, no information so disclosed shall be further disclosed  
4 by the recipient in any way that would be violative of *violate* this  
5 part, including the unauthorized manipulation of coded or  
6 encrypted medical information that reveals individually identifiable  
7 medical information.

8 (17) For purposes of disease management programs and services  
9 as defined in Section 1399.901 of the Health and Safety Code,  
10 information may be disclosed as follows: (A) to ~~any~~ *an* entity  
11 contracting with a health care service plan or the health care service  
12 plan's contractors to monitor or administer care of enrollees for a  
13 covered benefit, ~~provided that if~~ the disease management services  
14 and care are authorized by a treating physician, or (B) to ~~any~~ *a*  
15 disease management organization, as defined in Section 1399.900  
16 of the Health and Safety Code, that complies fully with the  
17 physician authorization requirements of Section 1399.902 of the  
18 Health and Safety Code, ~~provided that if~~ the health care service  
19 plan or its contractor provides or has provided a description of the  
20 disease management services to a treating physician or to the health  
21 care service plan's or contractor's network of physicians. Nothing  
22 in this paragraph shall be construed to require physician  
23 authorization for the care or treatment of the adherents of ~~any~~ *a*  
24 well-recognized church or religious denomination who depend  
25 solely upon prayer or spiritual means for healing in the practice  
26 of the religion of that church or denomination.

27 (18) The information may be disclosed, as permitted by state  
28 and federal law or regulation, to a local health department for the  
29 purpose of preventing or controlling disease, injury, or disability,  
30 including, but not limited to, the reporting of disease, injury, vital  
31 events ~~such as, including, but not limited to~~, birth or death, and  
32 the conduct of public health surveillance, public health  
33 investigations, and public health interventions, as authorized or  
34 required by state or federal law or regulation.

35 (19) *The information may be disclosed, consistent with*  
36 *applicable law and standards of ethical conduct, by a*  
37 *psychotherapist, as defined in Section 1010 of the Evidence Code,*  
38 *if the psychotherapist, in good faith, believes the disclosure is*  
39 *necessary to prevent or lessen a serious and imminent threat to*  
40 *the health or safety of a reasonably foreseeable victim or victims,*

1 *and the disclosure is made to a person or persons reasonably able*  
2 *to prevent or lessen the threat, including the target of the threat.*

3 (20) *The information may be disclosed as described in Section*  
4 *56.103.*

5 (d) Except to the extent expressly authorized by the patient or  
6 enrollee or subscriber or as provided by subdivisions (b) and (c),  
7 no provider of health care, health care service plan, contractor, or  
8 corporation and its subsidiaries and affiliates shall intentionally  
9 share, sell, use for marketing, or otherwise use any medical  
10 information for any purpose not necessary to provide health care  
11 services to the patient.

12 (e) Except to the extent expressly authorized by the patient or  
13 enrollee or subscriber or as provided by subdivisions (b) and (c),  
14 no contractor or corporation and its subsidiaries and affiliates shall  
15 further disclose medical information regarding a patient of the  
16 provider of health care or an enrollee or subscriber of a health care  
17 service plan or insurer or self-insured employer received under  
18 this section to any person or entity that is not engaged in providing  
19 direct health care services to the patient or his or her provider of  
20 health care or health care service plan or insurer or self-insured  
21 employer.

22 *SEC. 1.9. Section 56.10 of the Civil Code is amended to read:*

23 56.10. (a) No provider of health care, health care service plan,  
24 or contractor shall disclose medical information regarding a patient  
25 of the provider of health care or an enrollee or subscriber of a  
26 health care service plan without first obtaining an authorization,  
27 except as provided in subdivision (b) or (c).

28 (b) A provider of health care, a health care service plan, or a  
29 contractor shall disclose medical information if the disclosure is  
30 compelled by any of the following:

31 (1) By a court pursuant to an order of that court.

32 (2) By a board, commission, or administrative agency for  
33 purposes of adjudication pursuant to its lawful authority.

34 (3) By a party to a proceeding before a court or administrative  
35 agency pursuant to a subpoena, subpoena duces tecum, notice to  
36 appear served pursuant to Section 1987 of the Code of Civil  
37 Procedure, or any provision authorizing discovery in a proceeding  
38 before a court or administrative agency.

39 (4) By a board, commission, or administrative agency pursuant  
40 to an investigative subpoena issued under Article 2 (commencing

1 with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title  
2 2 of the Government Code.

3 (5) By an arbitrator or arbitration panel, when arbitration is  
4 lawfully requested by either party, pursuant to a subpoena duces  
5 tecum issued under Section 1282.6 of the Code of Civil Procedure,  
6 or any other provision authorizing discovery in a proceeding before  
7 an arbitrator or arbitration panel.

8 (6) By a search warrant lawfully issued to a governmental law  
9 enforcement agency.

10 (7) By the patient or the patient's representative pursuant to  
11 Chapter 1 (commencing with Section 123100) of Part 1 of Division  
12 106 of the Health and Safety Code.

13 (8) By a coroner, when requested in the course of an  
14 investigation by the coroner's office for the purpose of identifying  
15 the decedent or locating next of kin, or when investigating deaths  
16 that may involve public health concerns, organ or tissue donation,  
17 child abuse, elder abuse, suicides, poisonings, accidents, sudden  
18 infant deaths, suspicious deaths, unknown deaths, or criminal  
19 deaths, or when otherwise authorized by the decedent's  
20 representative. Medical information requested by the coroner under  
21 this paragraph shall be limited to information regarding the patient  
22 who is the decedent and who is the subject of the investigation and  
23 shall be disclosed to the coroner without delay upon request.

24 (9) When otherwise specifically required by law.

25 (c) A provider of health care or a health care service plan may  
26 disclose medical information as follows:

27 (1) The information may be disclosed to providers of health  
28 care, health care service plans, contractors, or other health care  
29 professionals or facilities for purposes of diagnosis or treatment  
30 of the patient. This includes, in an emergency situation, the  
31 communication of patient information by radio transmission or  
32 other means between emergency medical personnel at the scene  
33 of an emergency, or in an emergency medical transport vehicle,  
34 and emergency medical personnel at a health facility licensed  
35 pursuant to Chapter 2 (commencing with Section 1250) of Division  
36 2 of the Health and Safety Code.

37 (2) The information may be disclosed to an insurer, employer,  
38 health care service plan, hospital service plan, employee benefit  
39 plan, governmental authority, contractor, or any other person or  
40 entity responsible for paying for health care services rendered to

1 the patient, to the extent necessary to allow responsibility for  
2 payment to be determined and payment to be made. If (A) the  
3 patient is, by reason of a comatose or other disabling medical  
4 condition, unable to consent to the disclosure of medical  
5 information and (B) no other arrangements have been made to pay  
6 for the health care services being rendered to the patient, the  
7 information may be disclosed to a governmental authority to the  
8 extent necessary to determine the patient's eligibility for, and to  
9 obtain, payment under a governmental program for health care  
10 services provided to the patient. The information may also be  
11 disclosed to another provider of health care or health care service  
12 plan as necessary to assist the other provider or health care service  
13 plan in obtaining payment for health care services rendered by that  
14 provider of health care or health care service plan to the patient.

15 (3) The information may be disclosed to ~~any~~ a person or entity  
16 that provides billing, claims management, medical data processing,  
17 or other administrative services for providers of health care or  
18 health care service plans or for any of the persons or entities  
19 specified in paragraph (2). However, no information so disclosed  
20 shall be further disclosed by the recipient in any way that would  
21 ~~be violative of~~ *violate* this part.

22 (4) The information may be disclosed to organized committees  
23 and agents of professional societies or of medical staffs of licensed  
24 hospitals, licensed health care service plans, professional standards  
25 review organizations, independent medical review organizations  
26 and their selected reviewers, utilization and quality control peer  
27 review organizations as established by Congress in Public Law  
28 97-248 in 1982, contractors, or persons or organizations insuring,  
29 responsible for, or defending professional liability that a provider  
30 may incur, if the committees, agents, health care service plans,  
31 organizations, reviewers, contractors, or persons are engaged in  
32 reviewing the competence or qualifications of health care  
33 professionals or in reviewing health care services with respect to  
34 medical necessity, level of care, quality of care, or justification of  
35 charges.

36 (5) The information in the possession of ~~any~~ a provider of health  
37 care or health care service plan may be reviewed by ~~any~~ a private  
38 or public body responsible for licensing or accrediting the provider  
39 of health care or health care service plan. However, no  
40 patient-identifying medical information may be removed from the

1 premises except as expressly permitted or required elsewhere by  
2 law, nor shall that information be further disclosed by the recipient  
3 in any way that would violate this part.

4 (6) The information may be disclosed to the county coroner in  
5 the course of an investigation by the coroner's office when  
6 requested for all purposes not included in paragraph (8) of  
7 subdivision (b).

8 (7) The information may be disclosed to public agencies, clinical  
9 investigators, including investigators conducting epidemiologic  
10 studies, health care research organizations, and accredited public  
11 or private nonprofit educational or health care institutions for bona  
12 fide research purposes. However, no information so disclosed shall  
13 be further disclosed by the recipient in any way that would disclose  
14 the identity of ~~any a patient or be violative of~~ *violate* this part.

15 (8) A provider of health care or health care service plan that has  
16 created medical information as a result of employment-related  
17 health care services to an employee conducted at the specific prior  
18 written request and expense of the employer may disclose to the  
19 employee's employer that part of the information that:

20 (A) Is relevant in a lawsuit, arbitration, grievance, or other claim  
21 or challenge to which the employer and the employee are parties  
22 and in which the patient has placed in issue his or her medical  
23 history, mental or physical condition, or treatment, provided that  
24 information may only be used or disclosed in connection with that  
25 proceeding.

26 (B) Describes functional limitations of the patient that may  
27 entitle the patient to leave from work for medical reasons or limit  
28 the patient's fitness to perform his or her present employment,  
29 provided that no statement of medical cause is included in the  
30 information disclosed.

31 (9) Unless the provider of health care or health care service plan  
32 is notified in writing of an agreement by the sponsor, insurer, or  
33 administrator to the contrary, the information may be disclosed to  
34 a sponsor, insurer, or administrator of a group or individual insured  
35 or uninsured plan or policy that the patient seeks coverage by or  
36 benefits from, if the information was created by the provider of  
37 health care or health care service plan as the result of services  
38 conducted at the specific prior written request and expense of the  
39 sponsor, insurer, or administrator for the purpose of evaluating the  
40 application for coverage or benefits.

(10) The information may be disclosed to a health care service plan by providers of health care that contract with the health care service plan and may be transferred among providers of health care that contract with the health care service plan, for the purpose of administering the health care service plan. Medical information may not otherwise be disclosed by a health care service plan except in accordance with the provisions of this part.

(11) Nothing in this part shall prevent the disclosure by a provider of health care or a health care service plan to an insurance institution, agent, or support organization, subject to Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code, of medical information if the insurance institution, agent, or support organization has complied with all requirements for obtaining the information pursuant to Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code.

(12) The information relevant to the patient's condition and care and treatment provided may be disclosed to a probate court investigator ~~engaged in determining the need for an initial conservatorship or continuation of an existent conservatorship, if the patient is unable to give informed consent~~ *the course of any investigation required or authorized in a conservatorship proceeding under the Guardianship-Conservatorship Law as defined in Section 1400 of the Probate Code*, or to a probate court investigator, probation officer, or domestic relations investigator engaged in determining the need for an initial guardianship or continuation of an existent guardianship.

(13) The information may be disclosed to an organ procurement organization or a tissue bank processing the tissue of a decedent for transplantation into the body of another person, but only with respect to the donating decedent, for the purpose of aiding the transplant. For the purpose of this paragraph, the terms "tissue bank" and "tissue" have the same meaning as defined in Section 1635 of the Health and Safety Code.

(14) The information may be disclosed when the disclosure is otherwise specifically authorized by law, ~~such as including, but not limited to~~, the voluntary reporting, either directly or indirectly, to the federal Food and Drug Administration of adverse events related to drug products or medical device problems.

(15) Basic information, including the patient's name, city of residence, age, sex, and general condition, may be disclosed to a



1 state or federally recognized disaster relief organization for the  
2 purpose of responding to disaster welfare inquiries.

3 (16) The information may be disclosed to a third party for  
4 purposes of encoding, encrypting, or otherwise anonymizing data.  
5 However, no information so disclosed shall be further disclosed  
6 by the recipient in any way that would be violative of *violate* this  
7 part, including the unauthorized manipulation of coded or  
8 encrypted medical information that reveals individually identifiable  
9 medical information.

10 (17) For purposes of disease management programs and services  
11 as defined in Section 1399.901 of the Health and Safety Code,  
12 information may be disclosed as follows: (A) to ~~any~~ *an* entity  
13 contracting with a health care service plan or the health care service  
14 plan's contractors to monitor or administer care of enrollees for a  
15 covered benefit, ~~provided that if~~ the disease management services  
16 and care are authorized by a treating physician, or (B) to ~~any~~ *a*  
17 disease management organization, as defined in Section 1399.900  
18 of the Health and Safety Code, that complies fully with the  
19 physician authorization requirements of Section 1399.902 of the  
20 Health and Safety Code, ~~provided that if~~ the health care service  
21 plan or its contractor provides or has provided a description of the  
22 disease management services to a treating physician or to the health  
23 care service plan's or contractor's network of physicians. Nothing  
24 in this paragraph shall be construed to require physician  
25 authorization for the care or treatment of the adherents of ~~any~~ *a*  
26 well-recognized church or religious denomination who depend  
27 solely upon prayer or spiritual means for healing in the practice  
28 of the religion of that church or denomination.

29 (18) The information may be disclosed, as permitted by state  
30 and federal law or regulation, to a local health department for the  
31 purpose of preventing or controlling disease, injury, or disability,  
32 including, but not limited to, the reporting of disease, injury, vital  
33 events ~~such as, including, but not limited to~~, birth or death, and  
34 the conduct of public health surveillance, public health  
35 investigations, and public health interventions, as authorized or  
36 required by state or federal law or regulation.

37 (19) *The information may be disclosed, consistent with*  
38 *applicable law and standards of ethical conduct, by a*  
39 *psychotherapist, as defined in Section 1010 of the Evidence Code,*  
40 *if the psychotherapist, in good faith, believes the disclosure is*

1 *necessary to prevent or lessen a serious and imminent threat to*  
2 *the health or safety of a reasonably foreseeable victim or victims,*  
3 *and the disclosure is made to a person or persons reasonably able*  
4 *to prevent or lessen the threat, including the target of the threat.*

5 *(20) The information may be disclosed as described in Section*  
6 *56.103.*

7 (d) Except to the extent expressly authorized by the patient or  
8 enrollee or subscriber or as provided by subdivisions (b) and (c),  
9 no provider of health care, health care service plan, contractor, or  
10 corporation and its subsidiaries and affiliates shall intentionally  
11 share, sell, use for marketing, or otherwise use any medical  
12 information for any purpose not necessary to provide health care  
13 services to the patient.

14 (e) Except to the extent expressly authorized by the patient or  
15 enrollee or subscriber or as provided by subdivisions (b) and (c),  
16 no contractor or corporation and its subsidiaries and affiliates shall  
17 further disclose medical information regarding a patient of the  
18 provider of health care or an enrollee or subscriber of a health care  
19 service plan or insurer or self-insured employer received under  
20 this section to any person or entity that is not engaged in providing  
21 direct health care services to the patient or his or her provider of  
22 health care or health care service plan or insurer or self-insured  
23 employer.

24 *SEC. 2. (a) Section 1.5 of this bill incorporates amendments*  
25 *to Section 56.10 of the Civil Code proposed by both this bill and*  
26 *AB 1727. It shall only become operative if (1) both bills are enacted*  
27 *and become effective on or before January 1, 2008, (2) each bill*  
28 *amends Section 56.10 of the Civil Code, (3) AB 1687 is not enacted*  
29 *or as enacted does not amend that section, and (4) this bill is*  
30 *enacted after AB 1727, in which case Sections 1, 1.7, and 1.9 of*  
31 *this bill shall not become operative.*

32 *(b) Section 1.7 of this bill incorporates amendments to Section*  
33 *56.10 of the Civil Code proposed by both this bill and AB 1687.*  
34 *It shall only become operative if (1) both bills are enacted and*  
35 *become effective on or before January 1, 2008, (2) each bill*  
36 *amends Section 56.10 of the Civil Code, (3) AB 1727 is not enacted*  
37 *or as enacted does not amend that section, and (4) this bill is*  
38 *enacted after AB 1687 in which case Sections 1, 1.5, and 1.9 of*  
39 *this bill shall not become operative.*

1     (c) Section 1.9 of this bill incorporates amendments to Section  
2     56.10 of the Civil Code proposed by this bill, AB 1687, and AB  
3     1727. It shall only become operative if (1) all three bills are  
4     enacted and become effective on or before January 1, 2008, (2)  
5     all three bills amend Section 56.10 of the Civil Code, and (3) this  
6     bill is enacted after AB 1687 and AB 1727, in which case Sections  
7     1, 1.5, and 1.7 of this bill shall not become operative.

8     SEC. 3. No reimbursement is required by this act pursuant to  
9     Section 6 of Article XIII B of the California Constitution because  
10    the only costs that may be incurred by a local agency or school  
11    district will be incurred because this act creates a new crime or  
12    infraction, eliminates a crime or infraction, or changes the penalty  
13    for a crime or infraction, within the meaning of Section 17556 of  
14    the Government Code, or changes the definition of a crime within  
15    the meaning of Section 6 of Article XIII B of the California  
16    Constitution.